

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DEAN C. BOYD

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-CV-443-DPJ-FKB

RONALD KING;  
WILLIAM BRAZIER; AND  
JOAN SHIVERS

DEFENDANTS

ORDER

This case is before the Court on pro se Plaintiff Dean Boyd's Motion for a Jury Trial [76]. For the reasons explained below, the motion is denied.

On February 2, 2022, the Court entered an Order [65] adopting United States Magistrate Judge F. Keith Ball's Report and Recommendation [63] which granted Defendants summary judgment on Boyd's claims under 42 U.S.C. § 1983. The case was dismissed with prejudice. J. [66]. Boyd appealed, and the Fifth Circuit affirmed. *See Boyd v. King*, No. 21-60708, 2022 WL 17718427 (5th Cir. Dec. 15, 2022). Now, Boyd asks the Court for a jury trial under Federal Rule of Civil Procedure 38 because "after diligently researching his case [he now thinks] there exist[s] a genuine issue for trial." Pl.'s Mot. [76] at 1.

Construed as a demand for a jury trial under Rule 38(b), Boyd's motion is moot because the case was dismissed with prejudice (and he already made a jury demand in his Complaint). Construed as a motion for reconsideration, it would fall under Rule 60(b) because Boyd filed it more than 28 days after judgment. *Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012). Yet Boyd offers neither facts nor arguments suggesting that he could satisfy Rule 60(b)'s requirements. The motion is therefore denied.

**SO ORDERED AND ADJUDGED** this the 30th day of June, 2023.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE